
Appeal Decision

Site visit made on 31 October 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 4th November 2016

Appeal Ref: APP/P1805/W/16/3156076

407 Stourbridge Road, Catshill, Worcestershire B61 9LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mrs Lyndsay Kent against the decision of Bromsgrove District Council.
 - The application Ref 16/0266 dated 23 March 2016, sought approval of details pursuant to condition No 4 of planning permission Ref 15/0934 granted on 12 February 2016.
 - The application was refused by notice dated 7 June 2016.
 - The development proposed is full application for conversion of existing property into two apartments and outline application for new dwelling.
 - The details for which approval is sought are: appearance, landscape, layout and scale.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Outline planning permission has been granted in principle Ref 15/0934 for the construction of a dwelling in the garden of No 407 Stourbridge Road as part of a more comprehensive proposal including converting the host property into two apartments. This was subject to a condition requiring approval of the matters reserved for subsequent approval which are now the subject of this appeal. On this basis I consider the main issues to be: the effect of the proposed development on the character and appearance of the street scene taking particular account of scale and design; and the effect on the living conditions of occupiers of the host property No 407 Stourbridge Road taking particular account of privacy and light.

Reasons

Character and appearance

3. The existing dwellings along Stourbridge Road have a wide mix of heights, designs and ages resulting in a street scene that has no single distinctive architectural style. No 407 is one of a pair of 19th Century semi-detached houses with an unfussy front elevation. No 403 is a more elaborate house with an integral garage, a mansard roof with a higher ridge line than Nos 405-407, two different eaves heights, and dormer, velux-style and inset windows in the front roof slopes. No 411 is of more traditional pitched roof design with a higher ridge than that of No 407 but with a projecting front gable plus dormers in the remainder of the roof.
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4. The proposed dwelling would be a five bedroomed house that, due to the levels across the site, would appear as three storeys high at the front and two storeys at the back. It would be significantly narrower than the nearby buildings on this side of Stourbridge Road but would have a ridge height stepping about halfway between the ridge heights of Nos 407 and 411. The design would incorporate a mansard roof, a projecting front gable more than half the width of the front wall and an integral garage with a short section of pitched roof. Individually the above features appear on other properties along Stourbridge Road, but the variety of features proposed in combination with the positions and proportions of the proposed windows relative to the amount of brickwork in my judgement would appear cramped and contrived. The effect is exacerbated by the relative narrowness of the building in comparison to its height which would create an attenuated appearance relating poorly to the adjacent properties.
5. The proposed dwelling and No 407 would be read together particularly when viewed from Brookside as the open gap between them would be about 2m and there would be parking to the front of both properties. Accordingly although set back in the site, the proposed dwelling would appear particularly incongruous in scale and design in relation to No 407.
6. For the reasons set out above I conclude that the proposed development would not amount to good design and would have a significant detrimental effect on the street scene. It would therefore conflict with those requirements of policies DS13, S7 and S8 of the Bromsgrove District Local Plan 2004 (the LP); the Supplementary Planning Guidance Note 1: Residential Design Guide (the SPG) and the National Planning Policy Framework (the Framework) that seek good design that respects the character of the local area.

Living conditions

7. There is a projecting bay window on the side elevation of No 407. This is currently the sole window serving a bedroom in the existing dwelling and it would also serve a window in the permitted apartment conversion. Although labelled as a bedroom this room could be used for many domestic purposes. The flank wall of the proposed dwelling would be about 2 metres away from it and would therefore be oppressive and would overshadow that room resulting in an unacceptable detrimental effect on the living conditions of occupiers of that property.
8. In my view that effect could not be overcome by a condition requiring the insertion of a window to the room in the rear wall of No 407 as such a condition may become unenforceable if No 407, whether apartments or a single dwelling, was sold before development commenced on the proposed new dwelling. For these reasons I conclude that the proposed development would have a significant and demonstrable adverse effect on the living conditions of occupiers of the host property No 407 Stourbridge Road. It would therefore conflict with those requirements of policies S7 and S8 of the LP, the SPG and the Framework that seek a good standard of amenity for existing and future occupiers of land and buildings.
9. There are side windows serving respectively the living room in the existing dwelling, which would become a kitchen in the proposed apartment, and serving a bedroom above. These windows would face towards the flank elevation of the proposed dwelling from a distance of about 3.7m. The SPD

does not identify kitchens as habitable rooms and there would be a partial view from the kitchen window across the forecourt of the proposed development. Due to the relative disposition of the buildings there would be a view across the proposed garage from the bedroom window albeit partially interrupted by the by the forward projecting gable which is about 3m away. On balance I conclude that the proposed development would not have such a significant effect on the outlook from and light to these windows so as to justify withholding permission on these grounds alone.

10. The appellant has suggested that the bay window could be removed and the side bedroom window in the proposed apartment could be reduced in width. This is not the proposal before me and, even if these alternative arrangements were likely to occur, it seems to me to confirm that the proposed development overall amounts to a cramped and contrived design.
11. There would be no side windows in the proposed dwelling and this could be secured by a planning condition. Accordingly I conclude that the effect on the privacy of occupiers of No 407 from the proposed development would not be unacceptable.

Other matters

12. Whether or not the proposed design was amended following discussions with the Council is not a material consideration that leads me to a different conclusion.

Conclusion

13. The conflict with Policies DS13, S7 and S8 means the proposal would not conform to the development plan. For the reasons set out above and taking into account all other matters raised I conclude that the appeal should not succeed.

SDHarley

INSPECTOR