
Appeal Decision

Site visit made on 10 November 2016

by B Bowker Mplan MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/C4615/W/16/3157214
2 Holbeache Road, Wall Heath DY6 0HE

- 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 Nigel Porter for Lawnswood Developments against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0593, dated 26 April 2016, was refused by notice dated 20 July 2016.
 - The development proposed is demolition of existing house and garage/outbuildings and erection of 5 No. detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of neighbours residing at Nos 3 Richmond Park and 4 Holbeache Road with particular reference to privacy and outlook; and,
 - The character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal site comprises a detached two storey property bounded by Holbeache Road and Grove Park. The site is surrounded predominantly by two storey detached and semi-detached dwellings. Two dwellings would be sited roughly in the same area as the existing dwelling, whilst the remaining three, annotated as plot nos 3, 4, and 5 on the submitted drawings, would face towards Grove Park.
 4. The rear elevations of plot nos 3, 4, and 5 all include a number of windows at first floor that would serve bedrooms. Whilst the parties disagree on the depth of rear gardens at plots 3, 4, and 5, based on the Council's measurements the gardens would be only 0.2 of a metre short of the stated 11 metre requirement. Moreover, this standard as prescribed by the Council's New Housing Development Supplementary Planning Document (SPD) is to ensure adequate amenity space for future occupants.
 5. The height of the proposed dwellings and the closeness of the bedroom windows to Nos 4 Holbeache Road and 3 Richmond Park would allow direct
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views into the neighbouring garden areas. These direct views would not be mitigated by the north east boundary of the site which comprises a mixture of wooden panel fencing, shrubbery and trees that offer little screening. Consequently, neighbours at Nos 3 and 4 would experience an unacceptable loss of privacy when spending time in their respective gardens.

6. The appellant refers to corner properties and garden areas in the surrounding area that have similar levels of overlooking to the proposal. No specific examples are provided, so I cannot be sure that the circumstances are similar. However, I note that the siting of dwellings and garden areas to the immediate south west are angled which would assist in reducing levels of direct overlooking. In addition, first floor windows at properties along Holbeache Road and Richmond Park face towards their own respective gardens, and consequently involve more indirect views of neighbouring garden areas.
7. I have also considered the effect of outlook on neighbours at Nos 3 and 4. However, the proposed garden areas for plots 3, 4 and 5 would adjoin both neighbouring properties and would therefore allow an open outlook to remain for neighbours.
8. Therefore I conclude that the proposal would have a harmful effect on the living conditions of neighbours residing at Nos 3 Richmond Park and 4 Holbeache Road with particular reference to privacy. Consequently the proposal would not meet the requirements of Unitary Development Plan (UDP) saved Policy DD4 and paragraph 17 bullet point 4 of the National Planning Policy Framework. Combined, these policies seek to ensure development does not have an adverse effect upon the residential amenity of existing occupants.

Character and appearance

9. During my site visit, I observed that the front elevation of the appeal site at No 2 was aligned with those at Nos 4 to 36 Holbeache Road which provided a consistent set back from the road and the area with a spacious and ordered character. This character becomes less spacious beyond Grove Park to the south west where Holbeache Road turns towards the High Street. Whilst properties to the north and south west of the site are closer to the road and more varied in layout, the proposal would be seen as part of properties at Nos 4-36 Holbeache Road. In this respect, the appeal site makes an important contribution to the spacious and ordered character that arises from the layout of these properties.
10. The site is visible from public vantage points along Holbeache Road to the north east and from the junction to the immediate west. The elevated position of the site contributes to its prominence from these vantage points. Plot nos 3, 4 and 5 would have frontages facing towards Grove Park and would generally be in keeping with the less open character of its immediate surroundings. In addition, the access road would run roughly parallel to Grove Park and therefore be inconspicuous in appearance.
11. However, the two storey height of plot nos 1 and 2 would be located forward of the aligned frontages of Nos 4-36 Holbeache Road. Consequently, plot nos 1 and 2 would have a discordant appearance when viewed alongside Nos 4-36 Holbeache Road. Whilst I accept that rigid design requirements can lead to less attractive development, in this case, the siting of plot nos 1 and 2 would result in harm to the spacious and ordered character of the surrounding area.

This resultant harm would be noticeable from public vantage points in the surrounding area. In this respect, the proposal would be contrary to the general purpose of the New Housing Development SPD that requires the scale and siting of proposals to relate to adjoining development.

12. Therefore I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would not meet the requirements of Core Strategy Policy CSP4, HOU1, ENV2, ENV3 and saved UDP Policies DD1 and DD4 which are of most relevance to this matter. Combined, these policies require development to be of a high quality design that demonstrates a clear understanding of the local distinctiveness of the area.

Other matters

13. I acknowledge that the proposal would generate New Homes Bonus and Community Infrastructure Levy revenue. Also, although not put forward in support of the appeal, the proposal would contribute towards housing supply. However, these benefits would not outweigh the harm I have identified in relation to neighbouring living conditions and the character and appearance of the surrounding area.

Conclusion

14. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR